

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**OHIO DEPARTMENT OF COMMERCE,
DIVISION OF SECURITIES,**

Plaintiff,

vs.

**Case No.: 2:20-cv-908
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson**

WESLEY JARVIS,

Defendant.

ORDER

On March 26, 2020, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion to Remand (Doc. 3) be granted. (*See Report and Recommendation*, Doc. 10). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Defendant's Objections to the *Report and Recommendation*. (*See* Doc. 11). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). In addition to his Objections, Defendant has also filed a Motion for Permanent Injunction and an Application for an Order to Show Cause and for Permanent Injunction against Plaintiff and United States. (Docs. 12 and 13).

In his objections, Defendant asserts that "wesley jason, jarvis specifically appears as Principal (hereinafter "Principal") of the Registered International Organization, Wesley Jason Jarvis, and denies all presumptions that he is a resident of or an agent for, or, under the control of the STATE OF OHIO or the UNITED STATES." (Doc. 11, Def.'s Objs. at 1). Defendant further asserts that he "invokes his Choice of Law In Chancery through the filing of his Bill of

Complaint. (*Id.* at 1-2). Despite the lengthy documents submitted by Defendant, he fails to counter the arguments in support of remand, that his Notice of Removal was untimely and that this Court does not have jurisdiction over this case. The Court agrees with the Magistrate Judge's conclusions that this Court does not have diversity jurisdiction over this case because Plaintiff is an arm of the State of Ohio, and Defendant is also a resident of Ohio, residing at 572 E. Broad St., Pataskala, Ohio. The parties are therefore not diverse and the Court cannot exercise diversity jurisdiction. *See* 28 U.S.C. § 1332. Accordingly, this matter must be remanded to the Franklin County Court of Common Pleas.

Therefore, for the reasons stated above and as set forth in detail in the *Report and Recommendation*, this Court finds that Defendant's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 10, is **ADOPTED** and **AFFIRMED**. Plaintiff's Motion to Remand is **GRANTED**. This matter is hereby **REMANDED** to the Franklin County Court of Common Pleas. Additionally, Defendant's Motion for Permanent Injunction and an Application for an Order to Show Cause and for Permanent Injunction against Plaintiff and United States are **DENIED AS MOOT**.

The Clerk shall remove Documents 3, 10, 12, and 13 from the Court's pending motions list and remand this matter.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT